REMARKS

A. Status of the Application

Claims 1–36 were under consideration in the instant application.

With this response the Applicant has requested that claims 1 and 17 be amended, and that Claims 3 and 19 be canceled.

B. Rejections of the Claims under 35 U.S.C. § 102

The Examiner rejected claims 1-12, 14-28, and 30-32 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,459,427 ("Mao"). In doing so the Examiner contended that Mao substantially disclosed all of the features specified in the two independent claims pending in the application (1 and 17), as well as a host of dependent claims.

While the Applicants can appreciate how the Examiner concluded that Mao could be interpreted to have applied to the invention as previously claimed, it is hoped that with the present amendment of claims 1 and 17, the clear distinction between the instant invention and Mao will be readily evident. In particular, Applicants wish to call the Examiner's attention to the fact that Mao discloses system and service "for providing one-way Internet data delivery over [a] digital broadcast TV network" (col. 1, lines 8-10). Furthermore, Mao is limited to one-way Webcasting services (such as MORECAST[SM]), which are described in great detail by Mao, and as the Examiner noted in the June 7, 2005 Final Rejection, allows "a user to request a particular application from a main menu, 310, and *the appropriate channel* associated with *that particular application* is tuned ..." (paragraph 3, pages 3-4, emphasis added). This menu driven tuning is discussed extensively in Mao, and local menus to support such are illustrated in Fig. 3 of the Patent. These menu inputs are the very "key responses" referred to by the Applicants in the background of the present application (page 2, lines 18-24) as prior art – As the Examiner noted, in Mao *the* channel associated is tuned in order for *the* application to run. The user selects a program from a menu (MORECAST, MOREWEB, MOREVIDEO, MOREMAIL), and that channel is tuned in order to run the selected program. Nothing in Mao discloses or suggests the Applicants invention which a program is selected to be run on a digital terminal, and prior to the execution of said program, channels are tuned to enable the provision of data and/or other ancillary digital resources to the selected program. Accordingly, Claim 1 has been presently amended to read as follows:

> 1. A method of tuning a digital terminal to access services, comprising the steps of:
> sending one or more digital messages to the terminal from a server,
> said one or more digital messages containing information

associating each of a plurality of applications provided for on the
terminal with a respective one or more channel(s);

receiving a user request for enabling a particular application from
said plurality of applications;

automatically tuning to the respective one or more channel(s)
associated with a said particular application in response to a said
user request for that application; and

automatically obtaining prior to the execution of said particular
application at least one of a an associated video service, an audio
service, or a data content service from the tuned channel(s) for use
by the particular application upon execution.

Mao simply does not anticipate the invention as claimed above. Mao does not disclose the automatic or responsive tuning of channels for the purpose of obtaining data or other resources required to support a program resident on a user terminal, and doing so prior to the enabling of that program. Mao tunes in order to obtain a program which is then enabled for the user.

The only two independent claims of the present application, 1 and 17, and Applicants have requested the amendment of Claim 17 so that it too tracks the language of amended Claim 1. Applicants request that the Examiner reconsider the § 102 rejection based upon Mao.

C. Rejection of the Claims under 35 U.S.C. § 103

Claims 13 and 29 have been rejected as unpatenable under 35 U.S.C. § 103(a) over Mao. The Examiner contended that Mao, although it does not disclose maintaining information in a non-volatile memory (as required by claims 13 and 29), it would have been obvious for one of ordinary skill in the art to modify Mao to include such storage.

As discussed above, Mao does not anticipate presently amended Claims 1 and 17, and therefore does not serve to make dependent claims 13 and 29 obvious. Applicants submit that the present invention, including the aspects related to maintaining information in a non-volatile memory, is readily distinguishable over Mao.

CONCLUSION

      The presently amended claims are believed to patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

      To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Dated: February 15, 2007   Respectfully submitted,

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